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UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In Re:)	
)	Case No.: BK-S-10-18827-MKN
)	Involuntary Chapter 7
R&S ST. ROSE, LLC,)	
)	
Alleged Debtor,)	
)	

**JOINDER OF CREDITOR R&S ST. ROSE LENDERS, LLC IN SUPPORT OF MOTION
 TO DISMISS INVOLUNTARY PETITION**

Creditor R&S St. Rose Lenders, LLC hereby joins in support the Motion to Dismiss Involuntary Petition filed by R&S St. Rose, LLC, Forouzan, Inc., RPN, LLC, Saiid Forouzan Rad and Phillip Nourafchan (collectively "Moving Parties").

As discussed in Motion to Dismiss filed by the Moving Parties, the involuntary petition was filed in bad faith and done with the attempt to circumvent the trial court order which found the lien on the property held by Branch Banking & Trust ("BB&T") to be junior to the lien held by R&S St. Rose Lenders, LLC. BB&T is using the stay that resulted from the involuntary petition to stay the foreclosure sale of the lien held by R&S St. Rose Lenders, LLC. Absent the

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1 involuntary petition, BB&T would be required to post a bond to stay the foreclosure sale pending
2 the appeal of the trial court's ruling. BB&T should not be allowed to circumvent the trial court's
3 ruling to the detriment of R&S St. Rose Lenders, LLC and obtain a result in direct contradiction
4 to the ruling by the trial court.

5 Accordingly, for the reasons provided in the Motion to Dismiss Involuntary Petition filed
6 by the Moving Parties, together with those discussed herein, the Court should dismiss the
7 involuntary petition filed by BB&T.

8
9 Dated: this 22nd day of June, 2010.

LARSON & STEPHENS

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12 /s/ Kyle O. Stephens
13 Kyle O. Stephens, Bar No. 7928
14 Attorneys for Creditor,
15 R&S St. Rose Lenders, LLC
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CERTIFICATE OF SERVICE

1. On this 22nd day of June, 2010, I served the following document(s) (specify):

A. Joinder of Creditor R&S St. Rose Lenders, LLC in Support of Motion to Dismiss Involuntary Petition

2. I served the above-named document(s) by the following means to the persons as listed below:

(check all that apply)

☒ a. **ECF System** *(You must attach the "Notice of Electronic Filing", or list all persons and addresses and attach additional paper if necessary)*

Douglas D. Gerrard Dgerrard@gerrard-cox.com

Ogonna Atamoh oatamoh@nevadafirm.com

Julie Sanpei jsanpei@bckltd.com

☒ b. **United States mail, postage fully prepaid**
(List persons and addresses. Attach additional paper if necessary)

David J. Merrill, Esq.
2850 W. Horizon Ridge Pkwy., Suite 200
Henderson, NV 89052

☐ c. **Personal Service** *(List persons and addresses. Attach additional paper if necessary)*

I personally delivered the document(s) to the persons at these addresses:

☐ For a party represented by an attorney, delivery was made by handing the document(s) at the attorney's office with a clerk or other person in charge, or if no one is in charge by leaving the document(s) in a conspicuous place in the office.

☐ For a party, delivery was made by handling the document(s) to the party or by leaving the document(s) at the person's dwelling house or usual place of abode with someone of suitable age and discretion residing there.

☐ d. **By direct email (as opposed to through the ECF System)**
(List persons and email addresses. Attach additional paper if necessary)

Based upon the written agreement of the parties to accept service by email or a court order, I caused the document(s) to be sent to the persons at the email addresses listed below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

- ☐ e. **By fax transmission**
(List persons and fax numbers. Attach additional paper if necessary)

Based upon the written agreement of the parties to accept service by fax transmission or a court order, I faxed the document(s) to the persons at the fax numbers listed below. No error was reported by the fax machine that I used. A copy of the record of the fax transmission is attached

- ☐ f. **By messenger** *(List persons and addresses. Attach additional paper if necessary)*

I served the document(s) by placing them in an envelope or package addressed to the persons at the addresses listed below and providing them to a messenger for service. *(A declaration by the messenger must be attached to this Certificate of Service)*

I declare under penalty of perjury that the foregoing is true and correct.

Signed on (date): June 22, 2010

Shalinda B. Creer

(Name of Declarant)

Shalinda B. Creer
(Signature of Declarant)